

*CHAUTAQUA  
INSTITUTION*

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**ARCHITECTURAL AND LAND USE REGULATIONS**

**AND**

**STATEMENT OF PHILOSOPHY**

**AUGUST 28, 2010**

## STATEMENT OF PHILOSOPHY

The grounds of the Chautauqua Institution contain a unique collection of representative period architecture dating from the last quarter of the 19<sup>th</sup> century through the present day. From its early, intensely developed core area through its later areas reflecting the period of suburban-style expansion to its current recovery and restoration of early homes, the grounds of Chautauqua Institution are a rich visual expression of a seamless history.

With the exception of such buildings as Norton Hall, the Hall of Philosophy, and the Hall of Christ, and the Idea Campaign facilities of 2008, the buildings at Chautauqua are vernacular, that is they were built, for the most part, by local craftsmen and they represent a folk interpretation of contemporaneous popular styles. These styles also include a range of prefabricated models that span a period of more than 100 years.

Maintaining the physical fabric of the Chautauqua grounds is an essential contribution to safeguarding the historical, cultural and aesthetic integrity of Chautauqua Institution. No single building at Chautauqua is, perhaps, of the first importance architecturally. However, in the aggregate they form a uniquely important collection. Removing any particular one may weaken the texture of the whole.

The collection of buildings at the Chautauqua Institution represents in concrete, visible form many of the historical forces that culminated in the Chautauqua Movement and that were central to American history as a whole.

In its character of an idealized country village, the Institution grounds was an improved, nostalgic re-creation of the rural background of the founders and most of the early constituents who had moved away from their rural roots as part of the general 19<sup>th</sup> century shifts of the population from the country to the city.

In the cottages, many of which in their rectilinear form suggest the tents of the first assemblies, and in their grouping around the Amphitheater—and in the architectural character of the Amphitheater itself—150 previous years of American evangelical revival meetings, out of which Chautauqua grew and against the excesses of which the founders protested, are recalled.

In the central placing of the Amphitheater and its symbolic assertion of the importance of the lecture platform and the performance of the arts in the life of Chautauqua, the 19<sup>th</sup> century lyceum movement of popular lectures and a whole American tradition of general education, dating to the times of the Puritans, is recalled.

In Chautauqua's quality of a city in miniature with its pedestrian boulevards between formal allees of trees, open air public buildings, and life lived in public spaces and on open porches as much as it is inside one's home, the celebration of urban design in the late 19<sup>th</sup> century "City Beautiful" movement is recalled.

The people who participate in the Chautauqua Institution reflect a utopian quality, a willingness to enter into, become a part of and support a community which values the common pursuit of spiritual, cultural and intellectual growth. This quality of community at the Chautauqua Institution takes place within the best physical representation of the ideal first articulated by John Winthrop in 1630 that an American community should be "A City Set Upon a Hill to Shed a Light Unto the World."

We are the stewards of a national treasure.

CHAUTAUQUA INSTITUTION

RULES AND REGULATIONS, ADDENDUM A

ARCHITECTURAL AND LAND USE REGULATIONS

As revised through August 28, 2010

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## ARTICLE 1. INTENT AND OBJECTIVES OF RULES AND REGULATIONS

### 1.1 Statement of Intent.

To better provide for the recreation, health, safety, general welfare and comfort of property owners and persons from time to time present within the boundaries of the Chautauqua Institution (defined below) and to better promote the general purposes and objects of the Chautauqua Institution as set forth in its Charter and By-Laws, the following rules and regulations (the or these "Regulations") are adopted for the specific purposes of establishing comprehensive controls and restrictions for the planning, coordination, maintenance, upkeep, development and redevelopment of all lands, trees, fences, parking facilities and parking areas, structures, accessory structures and buildings (other than lands, structures, accessory structures and buildings while owned or controlled by the Chautauqua Institution) within the boundaries of the Chautauqua Institution.

### 1.2 Objectives.

1.2.1 The objectives of the Regulations are to provide: for the appropriate and best use of land; for the historic preservation, protection, and conservation of buildings, places of historic interest and the natural resources of land, water, and air; for the safe movement of traffic as well as the movement of people and goods; for the use and occupancy of buildings; for the healthful and convenient distribution of population; for promotion of the aesthetic amenities of beauty and visual interest; and to guide and control the planning, development and redevelopment of all land, structures and buildings within the boundaries of the Chautauqua Institution and to provide procedures for the administration thereof in order to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the Chautauqua Institution including, but not limited to, its property owners, residents, visitors and guests.

1.2.2 To accomplish these objectives, the lands within the boundaries of the Chautauqua Institution shall be divided into districts of such number and shape as may from time to time be determined by the Board of Trustees (defined below) best suited to carry out the objectives of the Regulations, and within these districts the Board of Trustees may regulate, determine and establish:

- (1) Height, number of stories, size, bulk, location, erection, construction, repair, reconstruction, preservation, alteration demolition and use of buildings and other structures, for trade, profession, residence and other purposes;
- (2) Use of land and water for trade, profession, residence and other purposes;
- (3) Size of yards, parking areas, and other open spaces;

- (4) Percentage of lot area that may be occupied;
- (5) Density of population;
- (6) Conditions under which various classes of nonconformities may continue, including authority to set fair and reasonable amortization schedules for the elimination of nonconforming uses; and
- (7) Controls governing the alteration or destruction of buildings and other improvements including those determined to be of historical or architectural significance and which by their exterior facades, contribute to the image, beauty, ambiance and reputation of the Chautauqua Institution and its physical charm and visual interest.

1.2.3 To establish and regulate districts within the boundaries of the Chautauqua Institution with the objective that all such regulations shall be uniform throughout each district, but the regulations in one district may differ from those in other districts. For each district designated for the location of commercial enterprises, residences or buildings designed for specific use, the Regulations may specify those uses that shall be excluded or subjected to reasonable requirements of a special nature.

## ARTICLE 2. DEFINITIONS

### 2.1 Definitions.

2.1.1 For the purpose of the Regulations, certain terms and words, unless otherwise defined, are used in their ordinary English usage. Words used in the present tense shall include the future; the singular number shall include the plural; and the plural the singular; the words "used for" shall include the meaning "designed for"; the word "shall" is to be interpreted as mandatory and shall be complied with unless waived; "may" is to be interpreted as having permission or being allowed to carry out a provision; said definitions being as follows:

(1) **ACCESSORY USE OR STRUCTURE.** A subordinate use and/or structure customarily incident to the principal use and/or building on a property and located upon the same lot occupied by the principal use and/or structure (or located on a contiguous lot or lots when a unity of title is provided under the same ownership).

(2) **ADDITION.** An extension or increase in floor area, number of stories, or height of a building or structure.

(3) **ADMINISTRATOR.** That person appointed, from time to time, by the president of the Chautauqua Institution to administer these Regulations.

(4) APARTMENT BUILDING. A building, or portion thereof or a series of connected buildings (including a co-operative or condominium building or townhouses) used or designed as a residence for two (2) or more families living independently of each other, having individual living units with each unit having cooking facilities and containing a living room and/or one or more bedrooms, including efficiency apartments.

(5) APPLICANT. The property owner of the property which is the subject of the application including the representative of the property owner, designated as such and authorized by the property owner in writing to act on behalf of the property owner with respect to such application.

(6) AREA VARIANCE. A variance from the requirements of these Regulations affecting the physical aspects of land or a structure, e.g. its size, appearance, height, etc.

(7) BASEMENT. That space of a building which is partly below grade, which has more than half of its height, measured from floor to ceiling, above the average established curb level or finished grade of the ground adjoining the building.

(8) BOARD OF TRUSTEES. The Board of Trustees of the Chautauqua Institution.

(9) BUILDING OR BUILDINGS. A structure which is permanently affixed to the land, having one or more floors and a roof, being bounded by either open space or lot lines, and used as a shelter or enclosure for persons, animals or property. The term shall be used interchangeably and synonymously with "structure" (as defined below) unless otherwise noted, and shall be construed as if followed by the words "or part or parts thereof."

(10) BUILDING, HEIGHT OF. The vertical distance measured in both feet and stories from the point of the average elevation level (calculated by using the high and low) of all of the exterior ground of the lot comprising the structure's footprint on the building site to the highest point of the building's roof system, excluding chimneys.

(11) Chautauqua Historic Landmark. The grounds of Chautauqua Institution as designated by the Department of the Interior by letter dated September 7, 1989.

(12) COMPLIANCE CERTIFICATE. Architectural and Land Use Certificate issued by the Administrator.

(13) CONDOMINIUM BUILDING. See "Apartment Building".

(14) CO-OPERATIVE BUILDING. See "Apartment Building".

(15) DANGEROUS. Any building or *accessory* structure or portion thereof with any of the structural conditions or defects described below *may* be deemed dangerous:

1. The stress in a member or portion thereof due to all factored dead and live loads is more than one and one third the nominal strength allowed in the Building Code of New York State for new buildings of similar structure, purpose, or location.
2. Any portion, member, or appurtenance thereof likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons.
3. Any portion of a building or any member, appurtenance, or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not anchored, attached or fastened in place so as to be capable of resisting a wind pressure of two thirds of that specified in the Building Code of New York State for such buildings.
4. The building, or any portion thereof, is likely to collapse partially or completely because of dilapidation, deterioration or decay; construction in violation of the Building Code of New York State; the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; the deterioration, decay, or inadequacy of its foundation; damage due to fire, earthquake, wind or flood; or any other similar cause.
5. The exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

(16) *De minimus* STRUCTURE POSITION DISCREPANCY. A *de minimus* Structure position discrepancy means 6” or less for single-family residential structures and 3” or less for all other uses where such discrepancy has existed continuously since November 9, 1985.

(17) DEMOLITION. The complete razing and/or removal of a building, structure, or accessory structure or a partial razing and/or removal which in the judgment of the Administrator significantly affects the structure, its relationship to neighboring structures, its contribution as a Historic Property to the Chautauqua Historic Landmark, or the ambiance of the Chautauqua Institution.

(18) DEMOLITION CERTIFICATE. Certificate of Compliance authorizing demolition issued by the Administrator.

(19) DISTRICT MAP. That certain District Map of the Chautauqua Institution as amended from time to time by the Board of Trustees, a copy of which is attached hereto.

(20) EFFECTIVE DATE OF THE REGULATIONS. November 9, 1985.

(21) ELEVATION. The view of a structure on a vertical plane parallel to one of its sides.

(22) FAMILY. An individual, or two (2) or more persons living together as a single housekeeping unit in a dwelling.

(23) GARAGE, PRIVATE. A building or space used as an accessory to or part of a main building permitted in any district, providing or intended for the storage of motor vehicles (whether or not so used) and in which no business, occupation or service for profit is conducted.

(24) HISTORIC PROPERTY. A building, structure, **accessory structure**, site, garden, object, or work of art (including monuments, statues and related improvements) which may include the adjacent area necessary for the proper appreciation or full use or enjoyment thereof, deemed worthy of preservation for reasons associated therewith, including but not limited to, the following reasons:

- a. It is an outstanding or particular example representative of its era;
- b. It is the last or one of the few remaining examples within the boundaries of Chautauqua Institution of a past architectural style;
- c. It is associated with an ongoing use, an event, or a person of historic or cultural significance to the Chautauqua Institution;
- d. It contributes to the historic and architectural significance of the Chautauqua Historic Landmark; or
- e. While not of historic significance as set forth above, it nonetheless makes an important contribution to the architectural fabric and heritage of the Chautauqua Institution.

(25) HOTEL. Any building or structure used, maintained, advertised as, or held out to the public as a place where sleeping accommodations are furnished for transient or permanent guests; and, providing customary hotel services.

(26) LAND OR LANDS. The land (including part or parts thereof) located within the boundaries of the Chautauqua Institution as shown on the Official Map (defined below).

(27) **LANDSCAPING PROJECT:** Any change in grade of the open space on any lot or the street right of way adjacent to any lot or the addition of new materials to the natural ground cover on any lot. Projects consisting only of the planting of trees, bushes, flowers and other plants on private property shall not be considered as Landscaping Projects.

(28) **LANDSCAPED OPEN SPACE.** Open space which is covered and maintained with natural growth in a permeable material and is not used for the parking of automobiles.

(29) **LOT.** A parcel of land occupied or intended for occupancy by a building, including a division of land separated from other divisions in accordance with all applicable Regulations described on a recorded plat, recorded survey map or by metes and bounds description and shown on the Official Map of the Chautauqua Institution (hereinafter defined).

(30) **LOT COVERAGE.** That percentage of the lot area covered or occupied by the buildings or any part of the buildings, excluding there from any projections permitted to extend into yard areas.

(31) **LOT DEPTH.** The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the rear line of the lot.

(32) **LOT WIDTH.** The width of the lot is the distance measured along the front lot line, at the street.

(33) **NONCONFORMING BUILDINGS AND/OR STRUCTURES.** A building and/or structure lawfully authorized and in existence at the Effective Date of the Regulations (November 9, 1985) and any amendments thereto, for which approval thereof had been granted under the Regulations in existence at the time of such approval that does not conform to the Regulations for the district in which said building and/or structure is situated.

(34) **NONCONFORMING USE.** A use lawfully authorized and in existence at the effective date of the Regulations (November 9, 1985) and any amendments thereto or, for which approval thereof had been granted under the Regulations in existence at the time of such approval that does not conform to the Regulations applicable to such use.

(35) **OFFICE AND PROFESSIONAL SERVICES.** Administrative offices and establishments providing professional services such as doctors, lawyers, brokers, insurance agents, realtors, consultants, interior designers, architects and engineers.

(36) **OFFICIAL MAP.** The Official Map of the Chautauqua Institution as amended from time to time by the Board of Trustees, a copy of which shall be kept and maintained in the office of the Administrator.

(37) **OPEN SPACE.** That area of a lot, at ground level, which is unencumbered by buildings or other structures.

(38) **RENTAL ROOMS.** A building (such as a tourist home or rooming house) other than an apartment building or hotel used, maintained or held out to the public as a place where sleeping accommodations are furnished for the accommodation of transient or permanent guests.

(39) **RESTAURANT.** A building or part thereof (and all accessory buildings used in connection therewith) or any other place or location kept, used or maintained as, advertised as, or held out to the public to be a place where meals, beverages or foodstuffs are prepared and/or served (whether for consumption on or off the premises), either gratuitously or for profit, to the general public.

(40) **RESTORATION.** Returning a structure or part thereof to its former condition through an act of renovation not involving demolition.

(41) **RETAIL STORES.** Establishments offering and/or selling services (other than Office and Professional Services as defined above), commodities or goods to ultimate consumers including, but not limited to, establishments intended for recreational and/or amusement uses.

(42) **RHYTHM.** A term used to describe the following relationships of buildings within a block: The relationship of (1) buildings to open space along the street, (2) solids to voids on building facades, and (3) entrance and porch projections to the street.

(43) **STORY.** That portion of a building which is between one floor level and the next higher floor level or, with respect to the highest floor, the roof. In computing the number of stories in a building, the basement shall not be included. Attics of buildings used or intended for use as habitable space shall be considered as a story of the building.

(44) **STRUCTURE.** Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having permanent location on the land, including but not limited to buildings, porches, decks, swimming pools, tanks, sheds, and signs.

(45) **STRUCTURAL ALTERATIONS.** Any change, except the repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, or the rearrangement of any interior partitions affecting more than 50 % of the floor area of the building.

(46) **SUBSTANTIAL REHABILITATION.** Reconstruction of any property wherein the total of work areas (including additions) exceeds one half of the existing building area and results in exterior changes or repairs, replacements, renovations and/or

additions which in the judgment of the Administrator affect the structure, its relationship to neighboring structures, its contribution as a Historic Property to the Chautauqua Historic Landmark, or the ambiance of the Chautauqua Institution.

(47) **SUBSTANTIAL STRUCTURAL DAMAGE.** A condition where:

(a) In any story, the vertical elements of the lateral-force-resisting system, in any direction and taken as a whole, have suffered damage such that the lateral load-carrying capacity has been reduced by more than 20 percent from its pre-damaged condition, or,

(b) The vertical load carrying components supporting more than 30 percent of the structure's floor or roof area have suffered a reduction in vertical load-carrying capacity to below 75 percent of the Building Code of New York State required strength levels calculated by either the strength or allowable stress method.

(48) **TECHNICALLY INFEASIBLE.** An alteration of a building, structure of accessory structure that has little likelihood of being accomplished because:

(a) the existing structural conditions require the removal or alteration of a load-bearing member that is an essential part of the structural frame or

(b) because other existing physical or site constraints prohibit modification of addition of elements, spaces, or features that are in full and strict compliance with the minimum requirements for new construction and that are necessary to provide accessibility.

(49) **TOWNHOUSE.** See Apartment Buildings.

(50) **USE VARIANCE.** A variance from the requirements of these Regulations governing the purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained.

(51) **YARD.** That portion of the open area on a lot extending between a building and the nearest lot line as established in the Regulations. A required yard shall be open and unobstructed and free of structures except for projections on buildings as permitted by the Regulations and except for walks, landscaping, trees, shrubbery, and other yard or site features permitted under the Regulations.

(52) **YARD, FRONT.** A yard extending across the full width of the lot, extended from the front of the main building, including open porches, to the front street right of way line of the lot.

(53) **YARD, SIDE.** A yard extending between the side of the main building, including open porches to the side line of the lot or side street right-of-way line from the front yard, to the rear yard; provided that, for a corner lot, the side yard extends from the front lot line to the rear lot line on the street side.

(50) YARD, REAR. A yard extending across the full width of the lot from the rear of the main building, including open porches, to the rear line of the lot or to the rear street right of way line of the lot. In the case of corner lots, the rear yard shall be the yard opposite the front street line of the lot.

2.1.2 The provisions of the Regulations shall supplement any and all laws of the State of New York, ordinances of the Town of Chautauqua and any and all rules and Regulations promulgated by authority of such law or ordinances related to the purpose and scope of the Regulations including, but not limited to, the New York State Uniform Fire Protection and Building Code and the Town of Chautauqua Zoning Ordinances.

### ARTICLE 3. ESTABLISHMENT AND DEFINITION OF DISTRICTS

#### 3.1 Establishment of Districts.

In furtherance of the Statement of Intent (Section 1.1 above) and the Objectives (Section 1.2 above) of these Regulations, the land within the boundaries of the Chautauqua Institution is hereby divided into the following districts:

Amphitheater District  
Beach and Recreational District  
Bryant District  
Central District  
Elm District  
**Garden District**  
Gateway District  
Highlands District  
Northlake District  
Overlook District  
Packard District  
Plaza District  
Schools District  
Southlake District  
Terrace District  
Tower Park District  
University Hill District  
**Woodlands District**

#### 3.2 District Map.

3.2.1 The boundaries of the districts are as shown upon the District Map, as amended from time to time, which is hereby adopted by reference and attached hereto and made a part hereof.

3.2.2 The District Map and the notations, references and other information shown or depicted thereon are a part of the Regulations to the same extent as if such information were fully described and set out herein including the boundaries of each district as shown on the District Map. The District Map, as amended from time to time, shall remain at all times on file in the office of the Administrator.

### 3.3 Interpretation of Boundaries.

In the creation by these Regulations of the respective districts, the Board of Trustees has given due and careful consideration to the peculiar suitability of each such district for the particular Regulations applicable thereto and the necessary, proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the lands within the Chautauqua Institution in furtherance of the Statement of Intent (Section 1.1 above) and the Objectives (Section 1.2 above) of these Regulations.

3.3.1 In the event boundaries of any district are not clear and evident from the District Map, the following shall apply:

- (1) Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- (2) In unsubdivided property or where a district boundary line has divided a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the District Map.
- (3) Where any street or alley is officially vacated or abandoned by the Chautauqua Institution subsequent to the enactment of the Regulations, the Regulations applicable to each parcel (or portion thereof) of abutting property shall apply to that portion of such streets or alley added thereto by virtue of such vacation or abandonment.
- (4) Where a district boundary line has divided a lot in a single ownership at the time of the passage of the Regulations, the Review Board may, in its discretion, permit a use authorized for either portion of such lot to extend to the entire lot, but in no event shall such use be permitted beyond twenty-five (25) feet of the boundary line of the district in which such use is permitted.

## ARTICLE 4. DISTRICT REGULATIONS

### 4.1 Schedules of Regulations.

The following Schedules, intended to carry out and implement the intentions and objectives of the Regulations, are hereby attached hereto and made a part hereof to the same extent as if such Schedules were fully rewritten herein:

SCHEDULE A - Lot, Yard, Bulk and Architectural Regulations

SCHEDULE B - Schedule of Use Regulations

SCHEDULE C - Schedule of Building Design Requirements

### 4.2 Application of Regulations/Compliance Certificates/Demolition Certificates/Substantial Rehabilitation

The following provisions, as well as other parts and provisions of the Regulations, including Schedules A, B and C have been adopted to guide and control the planning, development, redevelopment, subdividing and use of the lands, structures and buildings within the boundaries of the Chautauqua Institution, and to provide procedures for the administration thereof in order to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the Chautauqua Institution, its property owners, residents, visitors and guests, and to promote and insure the preservation of historic properties. Except as otherwise specifically provided herein, and as supplemented by the Schedules attached hereto, the following Regulations shall be applicable to the lands, structures and buildings within the boundaries of the Chautauqua Institution:

4.2.1 No building, structure or accessory structure shall be constructed, expanded, contracted, repaired, replaced, renovated, painted or structurally altered, nor shall any change in grade for any yard or lot be made, nor shall any Landscaping Projects be undertaken without first obtaining a Compliance Certificate, nor shall any building, structure, land or accessory structure be used in a manner or for a purpose which does not comply, in all respects, with the district Regulations established for the district in which the same is located.

4.2.2 The minimum yards and other areas of open space required by the Regulations, for any particular lot shall be satisfied and complied with within the boundaries of such lot and such requirements shall not be satisfied or considered as having been complied with by reason of its proximity with any other lot or land. No lot or yard existing at the Effective Date of the Regulations shall thereafter be reduced in dimension or area below the minimum requirements set forth in the Regulations. Lots or yards created after the Effective Date of the Regulations shall satisfy the minimum requirements established by the Regulations.

4.2.3 No building, structure or accessory structure shall be erected, added on to, or structurally altered subsequent to the Effective Date of the Regulations unless it is located on a lot having immediate frontage on a street designated as such by the Chautauqua Institution or having access to a street on a right-of-way approved by the Chautauqua Institution nor shall the same encroach onto a street right of way nor onto adjoining properties.

4.2.4 No building, structure, accessory structure nor any other property or land shall be used in a manner that will interfere with or adversely affect the operations of the Chautauqua Institution including the operation of the Chautauqua Institution's program facilities, schools, recreation or craft centers, security facilities and administrative offices.

4.2.5 No building, structure, or accessory structure shall be erected, altered or restored unless the exterior architectural features observable from adjacent streets or walkways comply with the Regulations and for which a Compliance Certificate has been issued and is in full force and effect.

4.2.6 No building, structure or accessory structure shall be demolished without first obtaining a Demolition Certificate. Because the Chautauqua Institution as a whole is designated by the U.S. Department of the Interior as a National Historic District and a National Historic Landmark and because the Institution contains a unique collection of representative period architecture dating from the last quarter of the 19<sup>th</sup> century through the present day, each property, building and structure contained inside the fenced grounds of the Chautauqua Institution shall be presumed to be a Contributing Building within the Historic District. For purposes of these Regulations, a Contributing Building is one that, by location, design, setting, materials, workmanship, feeling or association adds to the sense of time, place or historical development inside the fenced grounds of the Chautauqua Institution. A property, building or structure is not a Contributing Building if it does not add to that sense of time, place or historical development, whether because its location, design, setting, materials, workmanship, feeling or association have been so materially altered or have so materially deteriorated that the overall integrity of the property, building or structure has been irretrievably lost.

Thus, no Demolition Certificate shall be issued unless the building, structure or accessory structure meets one of the following criteria:

(1) The building, structure, accessory structure or portion thereof has been rendered unusable by reason of fire or other casualty and has been directed to be demolished by the Town of Chautauqua for building and fire code compliance purposes; or

(2) The current structural integrity of the building, structure or accessory structure warrants its demolition. (In considering this factor, the Review Board may consider if the property is Dangerous, has suffered Substantial Structural Damage, or is Technically Infeasible of rehabilitation.)

(3) The building, structure or accessory structure is functional for its current use, but can not be adapted on a reasonable basis to another use;

(4) There is a compelling public interest requiring the demolition, or

(5) The Applicant clearly and convincingly rebuts the presumption that the particular property, building or structure to which the application relates is a Contributing Building.

The Administrator is empowered to grant Demolition Certificates under Subsection (1) above; all other Demolition Certificates must be first authorized by action of the Review Board.

When approving any Demolition Certificate the Review Board may prescribe appropriate conditions and safeguards in conformity with these Regulations including a requirement that no Demolition Certificate be issued until (a) a plan for the re-use of the property has been approved by the Review Board and (b) (if new construction is proposed) a Building Permit for the construction of a new building has been issued by the Town of Chautauqua.

#### 4.2.7 Substantial Rehabilitation Projects

Projects defined as Substantial Rehabilitation Projects must be authorized by action of the Review Board. In considering such applications, the Board shall consider the standards contained in Schedule A and the design criteria set forth in Schedule C.

#### 4.3 Compliance Certificates/Demolition Certificates; Application Procedure.

4.3.1 Applications for Compliance Certificates and Demolition Certificates shall be filed with the office of the Administrator on the prescribed Application Form, as modified from time to time. Such forms shall be available upon request at the Administrator's office. Prior to the Review Board's final action on any application, and prior to the issuance of the Compliance Certificate and Demolition Certificate by the Administrator, each application shall be completed to include the following minimum information, as applicable, as well as such other information as may be requested on the Application Form or the attachments thereto:

(1) For new buildings or structures and exterior additions to existing buildings or structures projecting beyond existing building walls, a survey of the lot or, where otherwise permitted by the office of the Administrator, a sketch prepared to scale showing (a) all dimensions of the lot, (b) its orientation, (c) the location and size of any existing and proposed future buildings or structures in relation to the street, to other buildings and structures (both in terms of height profiles and land footprints), and to the lot lines, (d) a drainage plan, (e) contours in one-foot increments, and (f) the location of existing trees, both on the lot and the adjacent street right of way, with a designation of

any trees that are proposed to be removed or that will be within ten (10) feet of any construction, including excavation.

(2) For minor alterations involving only windows, doors, porch, dormer changes or the like (but no additions to the structure), or for replacements thereof, basic diagrams drawn to scale showing the proposed alterations/replacements,

(3) For all new construction (including substantial rehabilitation), such information as will demonstrate compliance with the requirements of Schedule C including, but not limited to, scale drawings of all exterior elevations with dimensions showing building height and building length, explanatory sections, details of door and window types, porch steps and railings and an indication of finish floor and ceiling levels.

(4) Such additional drawings, information and diagrams as may reasonably be requested by the Administrator or the Review Board to ensure compliance with these Regulations (e.g. drainage plans, landscaping details, streetscapes, etc.).

Prior to the issuance of a Certificate of Compliance by the Administrator, the Applicant shall certify to the Administrator that all documents delivered by or on behalf of the Applicant to the Administrator and the Review Board in connection with the application are identical to those that have been submitted to the Town of Chautauqua in connection with its building permit review, and the Applicant shall deliver to the Administrator from time to time such supplemental or additional documents as shall be needed to ensure compliance with this requirement.

4.3.2 Work on projects requiring approval as provided herein shall not be commenced until the required Compliance Certificate or Demolition Certificate, as the case may be, has been issued by the office of the Administrator, nor shall any changes be made in such work that deviates from that approved without the prior written approval of the office of the Administrator obtained by supplemental written application. The requirement of a Compliance Certificate or Demolition Certificate is in addition to and not in substitution for required building (and other) permits issued by appropriate governmental authorities having jurisdiction over the subject matter of any Compliance Certificate or Demolition Certificate.

## ARTICLE 5. SPECIAL EXCEPTION USES

5.1 When special exception use is permitted.

5.1.1 Special exception uses, or any expansion or modification of an existing special exception use of a building, structure or land within a district, shall be permitted only upon the authorization of the Review Board and the issuance by the Administrator of a Special Exception Use Permit upon a determination that all of the following conditions have been met:

(1) That the use is a permitted special exception use as set forth in the Schedule of Use Regulations attached hereto as Schedule B;

(2) That the use is so designed, located and proposed to be operated in a manner that the public health, safety, general welfare, convenience and comfort will be promoted or protected;

(3) That the use will be compatible with adjoining land use and development and the intended purpose of the district in which it is to be located;

(4) That, except to the extent of any special exceptions granted hereunder, the use will comply with all other articles of these Regulations;

(5) That the use not result in undue economic, noise, glare, odor or adverse aesthetic impact on adjoining properties and properties generally in the district;

(6) That adequate ingress and egress to and from the property and the proposed buildings or structures thereon; off-street parking and loading areas will be provided where required, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

## 5.2 Abandonment of Special Exception Use.

In the event an authorized or existing special exception use is discontinued for any period of time with the intention on the part of the owner to abandon such special exception use, or such use is discontinued for a period of twenty-four (24) months regardless of the intention of the owner to abandon, such use shall be considered abandoned, the Special Use Permit canceled and such special exception use shall thereby be immediately terminated and may not thereafter be revived except upon new application and approval in accordance with the Regulations.

## 5.3 Front Requirements Affecting Special Exceptions.

5.3.1 When these Regulations stipulate specific street addresses for permitted special exception uses, then any special exception use granted hereunder shall be allowed only on lots facing the stipulated street. Should the lots receiving the special exception uses consist of two or more lots which front additional streets, then the special exception use shall only occur on the portion of the lot(s) facing the stipulated street. In such instances, all ingress and egress related to the special exception use shall occur from the stipulated street.

5.3.2 Nothing herein shall be construed to prohibit the Review Board from authorizing adjoining street special exception use of corner lots facing otherwise authorized stipulated streets. In such cases, the Review Board may tightly restrict adjoining street usage so as not to disrupt what the Review Board perceives the character of the street to be.

## ARTICLE 6. NONCONFORMING USES AND STRUCTURES

### 6.1 Continuation of Nonconforming Uses of Land, Buildings and Structures

6.1.1 A use of land, building or a structure which shall be made nonconforming by the adoption of these Regulations (effective November 9, 1985) or any subsequent amendment hereto, may be continued except as otherwise provided in this Article 6.

6.1.2 A use or structure is, for the purposes of these Regulations, a nonconforming use or structure if the use or any physical characteristics of said use or structure is not in full compliance with the Regulations applicable thereto.

6.1.3 The intent of this Article 6 is that by the provisions of these Regulations (or by amendments that may later be adopted), there may exist uses and characteristics of use or structures which were permitted before these Regulations were adopted or amended, and which would be prohibited, regulated or restricted under the terms of these Regulations or future amendments thereto. It is the intent of these Regulations to permit these nonconforming uses to continue until they are voluntarily removed, abandoned, or otherwise removed as required by Regulations.

6.1.4 It is further the intent of these Regulations that nonconforming uses and characteristics of use or structures shall not be enlarged upon, expanded, replaced, intensified or extended, nor be used as grounds for adding other uses prohibited elsewhere in the same district unless approved by the Review Board.

### 6.2 Conversion of Nonconforming Uses or Structures.

6.2.1 Any nonconforming use which is replaced by a permitted use shall thereafter conform to the Regulations of the district in which such use is located, and the terminated nonconforming use shall not thereafter be resumed nor shall any nonconforming use be permitted except in compliance with the Regulations.

6.2.2 Any existing building and/or structure (or part thereof), in which a nonconformity of the building and/or structure or part thereof is replaced by a conforming building and/or structure (or part thereof), said nonconforming building and/or structure (or part thereof) shall thereafter conform to the Regulations of the district in which such building and/or structure is located, and said terminated nonconformity shall not thereafter be resumed nor shall any additional nonconformity be permitted without the approval of the Review Board.

### 6.3 Special Exception Use.

Any use which is permitted as a special exception use in a district under provisions of these Regulations shall not be deemed a nonconforming use in such district.

### 6.4 Regulations of Nonconforming Uses and Structures.

6.4.1 Any nonconforming use or structure which has been made unsafe or unusable due to fire or other casualty may be reconstructed and used as before, provided (1) that the floor area of the structure and its resulting coverage of the lot shall not exceed the floor area and lot coverage which existed prior to such damage or destruction and all reconstruction shall comply with the New York State Uniform Fire Prevention and Building Code. All repairs or reconstruction shall be completed within twenty-four (24) months, otherwise such use shall not be rebuilt except as a conforming use.

6.4.2 Normal maintenance repair and incidental alteration of a structure containing a nonconforming use is permitted, provided it does not increase the floor area of the structure or the lot coverage occupied by the nonconforming use.

### 6.5 Termination of Nonconforming Uses.

6.5.1 The discontinuance of a nonconforming use or structure with the intention of the owner thereof to terminate said use or structure for any period of time is an abandonment. Likewise, the discontinuance of a nonconforming use or structure for a period of twenty-four (24) consecutive months without the intention of the owner thereof to discontinue said use, and/or the change of a use to a more restricted or conforming use for any period of time shall be considered an abandonment thereof, and such nonconforming use shall not thereafter be revived except in compliance with the Regulations.

6.5.2 When a nonconforming structure or a structure occupied by a nonconforming use is destroyed by fire or other casualty or Act of God or acts of the owner thereof, the use of such structure as a nonconforming use shall immediately be terminated, except as provided in Section 6.5.1 above.

## ARTICLE 7. APPEALS AND VARIANCES

### 7.1 Creation of Review Board.

To provide for the determination of appeals from administrative decisions regarding Building Design Requirements and for the consideration of applications for special exceptions, interpretations, and variances, and to perform and carry out its duties and responsibilities hereunder, an Architectural Review Board is created. The membership of the Board shall consist of a Chair and four other persons appointed by the Chair of the Board of Trustees and approved by the Board of Trustees, for such term of years as the Board of Trustees shall by resolution determine. At least two members of the Review Board shall, at all times, be members of the Board of Trustees. The Chair of the Review Board shall be a member of the Board of Trustees. A quorum of the Review Board shall consist of not less than three members, with all matters being decided by the affirmative vote of not less than three members. The initial consideration by the Review Board of an application may be heard at the meetings of the Review Board that are attendant to the regularly scheduled in-person meetings of the Board of Trustees in February, May, July, August, and November. Other meetings of the Review Board may be scheduled at the discretion of the Chair of the Review Board. A property owner may schedule an informal discussion with the Review Board regarding a proposed application during any meeting of the Review Board, but no action will be taken by the Review Board on the proposed application at that meeting.

### 7.2 Powers and Duties.

The Review Board shall:

7.2.1 Hear and decide appeals by an applicant where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the interpretation or enforcement of these Regulations as to the appellant's property.

7.2.2 Hear and decide requests for permission to use property for special exception uses as authorized herein, decide such questions as are involved in determining if and when special exceptions will be permitted with appropriate conditions and safeguards or deny special exceptions when not in harmony with the intent and objectives of these Regulations.

7.2.3 Authorize upon petition to the Review Board a request for variances of two types: area variances and use variances. In granting any variance, the Review Board may impose special conditions on the proposed variance to protect the integrity of adjacent properties and the surrounding neighborhood.

(1) Area Variances. The Review Board shall have the power, upon appeal from a decision or determination of the Administrator, to grant area variances as defined herein.

(a) In making its determination, the Review Board shall take into consideration the benefit to the applicant of the variances granted, as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. In making such determination the Board shall also consider the following factors which shall inform the decision of the Review Board :

- (i) whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance;
- (ii) whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than the area variance;
- (iii) whether the requested area variance is substantial;
- (iv) whether the proposed variance will have an adverse affect or impact on the physical or environmental conditions in the neighborhood or district; and
- (v) whether the necessity for the proposed variance was self-created, which consideration shall be relevant to the decision of the Review Board, but shall not necessarily preclude the granting of the area variance.
- (vi) whether the proposed variance furthers the Institution's policy to support efforts of denominational houses or other entities qualified as 501(c)(3) entities to provide additional housing within their facilities.

(b) The Review Board, in the granting of area variances, shall grant the minimum variance that it shall deem necessary and adequate and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

(2) Use Variances. The Review Board shall have the power, upon appeal from the decision or determination of the Administrator to grant use variances.

(a) No such use variance shall be granted by the Review Board without a showing by the applicant that the applicable regulations and restrictions have caused undue hardship. In order to prove such undue hardship, the applicant shall demonstrate to the Review Board that for each and every permitted use under the regulations for the particular district where the property is located;

- (i) the applicant cannot realize a reasonable return as demonstrated by competent financial evidence;
- (ii) that the alleged hardship related to the property in question is unique and does not apply to a substantial portion of the district, and
- (iii) that the requested use variance, if granted, will not alter the essential character of the neighborhood; and
- (iv) that the alleged hardship has not been self-created.

(b) The Review Board, in granting a use variance, shall grant the minimum variance that it shall deem necessary and adequate to address the unnecessary hardship proven by the applicant, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

(3) Imposition of Conditions. The Review Board shall, in granting both use and area variances, have the authority to impose such reasonable conditions and restrictions as are directly related to the proposed use of the property. Such conditions shall be consistent with the spirit and intent of the regulations and shall be imposed for the purpose of minimizing any adverse impact such variance may have on the neighborhood or community. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these Regulations and shall void the continuance of the variance.

7.2.4 Authorize the demolition of buildings, structures, and accessory structures and the undertaking of projects defined as substantial rehabilitation as set forth elsewhere in these regulations.

**7.2.5** Review and Approve plans for new buildings in the following districts:

Amphitheater District

Beach and Recreational District

Bryant District

Central District

Elm District

Gateway District

Highlands District

Northlake District

Overlook District

Packard District

Plaza District

Schools District

Southlake District

Southlake District

Terrace District

Tower Park District

University Hill District

7.3 Exercise of powers.

In exercising its powers, the Review Board may, upon appeal by an applicant, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination made by the Administrator in the enforcement of the Regulations and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the officer from whom the appeal is taken.

7.4 Procedure for Actions by the Review Board

All applications for appeals, interpretations, special use exceptions or for variances shall be in writing and in the form prescribed by the Chautauqua Institution.

## 7.5 Notice of Hearings by the Review Board.

7.5.1 No application for any action of the Review Board shall be heard unless written notice of such application has been mailed to all persons listed on the records of the Chautauqua Institution as owning properties within one hundred fifty (150) feet of the property line of the property that is the subject of the application (with such distance being measured perpendicularly to all points along said property line and within one hundred fifty (150) feet radius of the corners). Notice shall be mailed or transmitted not less than twenty (20) days prior to such meeting and shall be deemed given upon the depositing of such notice for delivery by first-class U.S. mail, postage prepaid, by express delivery, by courier or by hand delivery, in each case to the last mailing address shown for said person on the records of the Chautauqua Institution. The notice shall provide that any noticed property owner shall have the opportunity to review the application at the offices of Chautauqua Institution during normal business hours and to request that a copy of such application be sent to them, at their expense, by first-class U.S. mail, express deliver, or courier. Property owners entitled to notice under this section may waive their right to receive notice by sending an email or delivering a writing to the Administrator either prior to or after the meeting. In the event a person is entitled to receive notice under this section as the result of its ownership of a unit or other interest in a condominium, then notice of the application shall also be given to the condominium association in the manner provided herein. Notice of the regularly scheduled meetings of the Review Board shall also be posted on the website of the Chautauqua Institution; provided, however, that the failure to post notice of any such meeting on the Chautauqua Institution website shall not prevent any otherwise validly noticed meeting of the Review Board from occurring and shall not invalidate or otherwise impair any action of the Review Board taken at any such meeting.

7.5.2 The applicant and/or a designated representative of the applicant shall appear in person at each meeting of the Review Board at which the Applicant's application is to be considered. The Review Board shall not consider an application unless either the applicant or its designated representative is physically present at the meeting of the Review Board. Each property owner receiving notice of the application as herein provided shall have the right to be heard by the Review Board with respect to the application by attending the meeting of the Review Board in person, by having an authorized representative attend the meeting of the Review Board in person, or by delivering to the Review Board in advance of the meeting (whether by U.S. mail, electronic mail, or otherwise) written comments to the application. Each person who either attends a meeting of the Review Board in person or through an authorized representative or delivers written comments to the Review Board in advance of a meeting shall be deemed to have waived any defect in notice with regard to such meeting.

7.5.3 Requests for the postponement of initial action on any application may be granted at the discretion of the Review Board. Notice of such postponement shall be given to each property owner entitled to receive notice of the application as herein provided. The Board may continue a hearing on an application to a later date by motion made and carried during a duly called hearing on the application.

#### 7.6 Commencement of Work or Use.

The work or use authorized by the issuance of a Certificate of Compliance, Special Exception Use Permit, or Demolition Certificate must be commenced within twelve (12) months of the date of the approval thereof, shall be diligently pursued without material interruption (other than interruption during the Chautauqua Assembly Season. If not so commenced and pursued, such permit shall be null and void upon notice to the owner of the property and any application for a new certificate must be made under the then existing Architectural and Land Use Regulations. Once commenced or implemented, all authorized work must be completed within twenty-four (24) months from the date of the Certificate. Any work uncompleted by that date must be reauthorized by a new certificate under the then existing Rules and Regulations and the applicant shall be subject to the sanctions contained in Article 9.

#### 7.7 Special Consultants.

When an application is deferred or postponed because the Review Board determines that professional advice is necessary or desirable, the Review Board may require that the expense of obtaining such professional advice shall be borne by the applicant. The person, firm or corporation to render or give such required professional advice shall be selected by mutual agreement of the Review Board and the applicant. The Review Board may also engage such other professional advice as it deems appropriate at no expense to the applicant. In such instances, the selection of the Review Board's professional party will be solely at the discretion of the Review Board.

#### 7.8 Review by the Executive Committee of the Board of Trustees.

An applicant or an owner of property located within one hundred fifty (150) feet of the property that is the subject of a matter brought before the Review Board may petition the Executive Committee of the Board of Trustees to review the decision of the Review Board provided (1) that such petition is filed with the President of the Chautauqua Institution within ten (10) business days from the date of the Review Board decision and (2) that the grounds for such petition concern only the procedures that the Review Board followed (or failed to follow) with respect to its decision as opposed to a challenge of the substance or the substantive aspects of the decision. In addition, the Executive Committee may, on its own initiative and within its sole discretion, review, modify, or overturn any decision of the Review Board or return any such decision to the Review Board for further consideration. Review by the Executive Committee of the Board of Trustees is discretionary, and may be denied without hearing.

## ARTICLE 8. SUPPLEMENTARY REGULATIONS

### 8.1 Fences and Garden Walls.

In order to preserve visual open space and to promote fire safety, fences or walls in excess of 24” in height are prohibited unless a greater height is required by the New York State Building Code. New York State Code required fences shall be the minimum height required and are subject to review and approval by the Architectural Review Board with respect to style and placement. Garden walls, trellises, and ornamental fencing less than 24” in height when proposed in conjunction with a landscaping plan approved by the Administrator are permitted provided such fences are located entirely on private property.

### 8.2 Exterior Painting.

No exterior of any building shall be painted during the Chautauqua Institution summer program season without first obtaining a permit from the office of the Administrator which permit may be refused if such work is reasonably determined to be likely to interfere with the program operations of the Chautauqua Institution or the quiet enjoyment of neighboring property owners.

### 8.3 Parking and Storage of Motor Vehicles.

In the Highlands District: (1) all residences shall be designed to include inside garage parking for at least one (1) vehicle, (2) a minimum of two (2) off street parking places shall be provided in addition to any inside garage parking, and (3) driveways shall be of impervious materials and shall not be located within five (5) feet of a side or rear property line. Where driveways cross drainage swales, a drainage pipe shall be installed at an elevation which conforms to the master drainage plan.

### 8.4 Land Excavation/Landscaping

8.4.1 As the Institution is predominated by small lots with adjoining land owners always being impacted by neighboring construction and landscaping activity, the management of changes in land contours is essential for the welfare of the community. Care must be taken not to alter the flow of surface waters in a manner that adversely impacts adjoining properties. Also, land height must not be altered in a manner that would have the effect of changing the allowable height of a structure. Hardscape improvements made to required landscaped open space shall be made with permeable materials only.

8.4.2 No window wells are permitted in the front yard setback area nor on a Chautauqua Institution street right of way. Window wells are permitted in required side or rear yard setbacks. At-grade covers are required and no railings are permitted.

8.4.3 Stairs for access to basements are permitted only in the rear yard and not within five feet of the rear property line. Removable railings are permitted.

## 8.5 Trees

8.5.1 As trees are a significant beneficial contributor to the environmental and aesthetic qualities of the Chautauqua Institution, it is the responsibility of both the Chautauqua Institution and all property owners to preserve, protect, maintain, replace and plant trees on all properties throughout the Chautauqua Institution. The responsibility to initiate such actions rests with the owner of the land upon which the need arises, although all property owners are encouraged to adopt tree maintenance programs for the tree lawn street right of way areas in front of their individual properties in a manner as approved by the Chautauqua Institution.

8.5.2 Prior to the removal of any tree in excess of 3" in diameter measured at 36" above the ground from any lot, the property owner shall notify the Administrator of his/her intention to remove the tree. Any tree so removed must be replaced on the lot by a new tree that will grow to at least the same size as the tree removed, unless approval not to replace is granted by the office of the Administrator. The replacement tree shall be at least 2" in diameter measured at 36" above the ground.

8.5.3 It is the desire of the Chautauqua Institution that each lot shall have at least one deciduous tree per lot which, when mature, will grow to at least fifty (50) feet in height. Accordingly, any application for the construction of a new structure or the demolition of an existing structure or for the rehabilitation or reconstruction of any structure shall include a plan to meet this goal through the planting of a new tree on the lot, on the front street right of way, or such other location as approved by the Institution.

8.5.4 Prior to the issuance of a Certificate of Compliance for basement construction, an impact fee shall be paid by the applicant to the Institution for each Institution owned tree located adjacent to the property such that the basement construction falls underneath the tree canopy and measuring 20 inches in circumference or 7 inches in diameter at a height of 36 inches from the ground. Payment of the fee is not in substitution for protecting all such trees during construction.

## ARTICLE 9. VIOLATIONS AND PENALTIES

### 9.1 Violations

Violations of these Regulations may be cured by the Chautauqua Institution, and in addition to other remedies, appropriate legal action or proceedings may be instituted to prevent and enjoin violations hereunder and to prevent the use and occupancy of structures or land not permitted by these Regulations.

### 9.2 Additional Penalties.

9.2.1 Where construction has been undertaken without first having obtained a required Compliance Certificate as provided in these Regulations, the Administrator may require the property owner to stop work and to elect one of the following options:

(1) the cure of the violation by its removal at the property owner's expense; or

(2) if the Review Board determines that the grant of a Compliance Certificate would be appropriate for such construction, the construction may be permitted to remain and the property owner will be required to submit a payment of a penalty to the Chautauqua Institution equal in amount to the cost of the improvements already made or such other sum as affixed by the Chautauqua Institution pursuant to a schedule of penalties attached to the application form or such other penalty as may be determined by Chautauqua Institution.

9.2.2 Where the Compliance Certificate has become null and void as provided for in Article 7.6, the Administrator may refer the matter for consideration by the Architectural Review Board upon notice to the applicant. The Architectural Review Board may grant or reinstate the Compliance Certificate on such terms and conditions as may be appropriate, require the removal of the improvements at the property owner's expense, or assess such penalties in an amount not to exceed the cost of the improvements already in place.

ARTICLE 10. AMENDMENTS, APPLICATION OF REGULATIONS AND  
EFFECTIVE DATE

10.1 Amendments.

These Regulations may be amended from time to time by the Board of Trustees of the Chautauqua Institution, and each amendment shall take effect as may therein be provided.

10.2 Application/Effective Date.

These revised Regulations shall apply as herein provided to all lands, trees, fences, parking facilities and parking areas, structures, accessory structures and buildings (other than the lands, trees, fences, parking facilities and parking areas, structures, accessory structures and buildings while owned or controlled by the Chautauqua Institution which shall not be subject to these Regulations) within the boundaries of the Chautauqua Institution.

SCHEDULE A											
Schedule of Lot, Yard, Bulk, and Height Regulations											
		Lot Width	Lot Depth	Front Setback	Side Setback	Rear Setback	Height/ Stories	Max. % Coverage	Min. % Lnd'scped		
Amphitheater											
	Single Family Home	40	60	4	Official Map	Official Map	36/3	65	10		
	All Other Uses	40	60	4	Official Map	Official Map	50/4	N/A	N/A		
Plaza											
	Single Family Home	40	50	4	Official Map	Official Map	36/3	60	10		
	All Other Uses	40	50	4	Official Map	Official Map	50/4	N/A	N/A		
Central											
	Single Family Home	40	50	4	Official Map	Official Map	36/3	60	10		
	All Other Uses	40	50	4	Official Map	Official Map	50/4	N/A	N/A		
Southlake											
	Single Family Home	40	50	4	Official Map	Official Map	36/3	60	10		
	All Other Uses	40	50	4	Official Map	Official Map	50/4	N/A	N/A		
Northlake											
	Single Family Home	40	50	4	Official Map	Official Map	36/3	60	10		
	All Other Uses	40	50	4	Official Map	Official Map	50/4	N/A	N/A		
Terrace											
	Single Family Home	40	50	4	Official Map	Official Map	36/3	60	10		
	All Other Uses	40	50	4	Official Map	Official Map	50/4	N/A	N/A		
Tower Park											
	Single Family Home	30	50	4	Official Map	Official Map	24/2	N/A	N/A		
	All Other Uses	30	50	4	Official Map	Official Map	N/A	N/A	N/A		
Overlook											
	All Uses	50	70	5	Official Map	Official Map	36/3	60	15		
Bryant											
		Not Applicable						36/3	N/A	N/A	
Gateway											
		Not Applicable						36/3	N/A	N/A	
Elm											
		Not Applicable						36/3	N/A	N/A	
Packard	Single Family Home	60	90	10	10	10	36/3	70	20		
University Hill											
		Not Applicable						Not Applicable			
Schools											
		Not Applicable						Not Applicable			
Beach and Recreational											
		Not Applicable						Not Applicable			
Highlands		See Table 2 on page 29									
Woodlands		See Table 3 on page 30									
Footnotes to Schedule A are located on page 45.											

Footnotes to Schedule A:

1. Yard setbacks for irregularly shaped lots will be measured using the lot width and lot depth at the point in question.
2. In no event shall the distance between the subject structure and adjacent structures in any district other than Tower Park be less than ten feet measured from the exterior of the structure.
3. Encroachments into the street right-of-way, not exceeding eighteen inches for eaves, cornices, and trim, and encroachments into the street right-of-way, not exceeding twenty four inches in depth and six feet in width, for chimneys and bay windows may be approved and licensed subject to the requirements of Schedule C.
4. The applicant must comply with the additional design requirements contained in Schedules B and C.
5. Where a lot is shown on the Official Map of the Chautauqua Institution as having an area, width, or depth less than the minimums required by this regulation, nothing contained herein shall prohibit the use of such lot for a single-family residence.
6. Where this schedule establishes a 4' front yard setback, covered porches may be constructed to the front lot line with projections of eaves, cornices and trim permitted in accordance with footnote 2 above. Construction of a basement under a covered porch in a required front yard requires approval of the Architectural Review Board.
7. All homes in the Highlands district must minimally encompass 1000 square feet of habitable space.
8. The Official Map is that map recorded in the office of the Chautauqua County Clerk on April 25, 1939 and filed in Cabinet 2, Section E, Map 159 as has been amended by the Board of Trustees from time to time.
9. Projects categorized as "all other uses" which exceed the height or coverage limits for Single Family Homes must be authorized by action of the Architectural Review Board.
10. Construction into a required side yard setback separating two lots in common ownership shall require an area variance.
11. A *de minimus* structure position discrepancy shall not be considered an encroachment or basis for a violation of these regulations.
12. Where a lot is shown on the Official Map of Chautauqua Institution as having no required setbacks, any expansion of the existing structure to less than 10' from an interior lot line shall require the approval of the Architectural Review Board. The standards for review shall be the variance standards contained in Section 7.2.3 and Schedule C.
13. Patios, sidewalks, fences (see Section 8.1), driveways, retaining walls, garden walls may encroach into a required yard (setback). Garden walls or retaining walls which have the effect of increasing the size of the main structure into a required yard or creating below-grade usable space, whether for living, storage, recreation, or otherwise, are prohibited. Encroachment into a required yard of footings, eaves, cornices, trim, bay windows, and chimneys not exceeding eighteen inches is permitted and shall not be considered when applying Footnote 2. Windows wells and stairs may encroach into a required yard in accordance with Article 8.4.2 and 8.4.3. Structures( see definition) are not permitted in a required yard.



Schedule A, Table 3, Schedule of Lot, Yard, and Bulk Details for Woodlands District					
Lot #	Lot Size in sq. ft.	Bldg Envelope in sq. ft.	Maximum Coverage for entire lot in sq. ft.	Maximum Height	Maximum Enclosed Space in sq. ft.
1	10,809	2,250	3,700	30 feet	3,000
2	8,114	2,250	3,350	30 feet	3,000
3	9,642	2,500	3,400	30 feet	3,000
4	9,199	3,000	2,950	30 feet	3,000
5	8,835	2,700	3,700	30 feet	3,000
6	6,902	2,250	2,650	30 feet	3,000
7	10,800	2,130	3,550	30 feet	3,000
8	13,019	2,250	3,700	30 feet	3,000
9	12,977	2,070	3,850	30 feet	3,000
10	6,620	2,010	3,400	30 feet	3,000
11	13,120	2,220	3,400	30 feet	3,000
12	20,945	3,600	4,400	30 feet	3,600
13	17,822	3,000	4,400	30 feet	3,600
Notes to Schedule A, Table 3					
Note 1: The official site plan for the Woodlands District identifies certain trees which must be retained except as noted below.					
Note 2: Driveway access to Lot 1 will require the removal of several designated trees which must be identified in the site planning process.					
Note 3: Maximum Lot Coverage includes the building structure, any porches or decks, and any non-permeable at-grade improvements such as driveways, patios, etc.					
Note 4: Maximum Enclosed Space includes habitable and non-habitable space (such as a garage) on the first and second (roof structure) levels of the home. It does not include any basement or cellar space. Basements must be at a height appropriate to existing grade and may not be built up and then filled around.					
Note 5: No structures may be built outside the building envelope.					
7/26/00					

SCHEDULE B  
SCHEDULE OF USE REGULATIONS

Amphitheater District

Purpose: This district is located to protect, preserve and maintain the green open spaces found within the district as well as the variety of architectural styles and mixtures of uses which historically have existed within the district, all of which substantially contribute to the visual charm and beauty of Chautauqua. Because the district contains several prominent buildings used by the Institution for its programs and other operations, the preservation of the historic buildings found within the district and the maintenance of the variety of architectural styles found therein is a special purpose to be achieved by this regulation. There is a high volume of pedestrian traffic on all streets within the district. The use of automobiles within the district must be restricted because of both pedestrian traffic and the open-air buildings used for programs. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Hotels, Apartment Buildings, Rental Rooms, Single Family Dwellings, Retail Stores (other than grocery stores), Post Office, Library, Offices and Facilities owned and operated by the Chautauqua Institution, Parks and Green Open Spaces

Special Exception Uses: Restaurants (except in the following locations: between McClintock and Ramble, on Roberts between Miller and Bowman, or alongside the Amphitheater), Convenience Grocery Stores

Beach and Recreational District

Purpose: This district includes the open shoreline and parkways abutting Chautauqua Lake. The preservation and maintenance of the open character of this district is essential to maintaining the visual beauty of the lakefront which is viewed from the pedestrian promenades. The several Institution owned buildings located within this district are grouped so as to enhance the residential qualities of the district. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Parks and Green Open Spaces, Automobile Parking Areas accessory to dwelling units, Boat Slips and Docks owned and operated by the Chautauqua Institution, Chautauqua Institution owned and operated Recreational facilities, Youth Clubs, and Activities Centers

### Bryant District

Purpose: This district includes an area designated by the Chautauqua Institution for planned residential development of multi-family character. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Rental Rooms, Apartment Buildings, Parks and Green Open Spaces

### Central District

Purpose: This district is located to protect and preserve a variety of residential uses of mixed intensity. Most of the buildings within the district are of early construction and have historic interest. The preservation of the varied architectural styles within the district, most of which contain front porches, is a special purpose to be achieved by this regulation. Accordingly, the alteration of exterior facades of buildings within the district is restricted by this regulation.

Permitted Uses: Single Family Dwellings, Apartment Buildings, Rental Rooms, Parks and Green Open Spaces

### Elm District

Purpose: This district encompasses an area developed as a planned residential development and includes town houses owned on a “time-share” basis. Future development within the district should preserve visual open spaces. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Apartment Buildings, Rental Rooms

Special Exception Uses: Institution schools, program facilities, and craft centers

### Garden District

Purpose: The Garden District has been designed as a residential neighborhood adjacent to Route 394 in the vicinity of the Main Gate. The district has its own unique architectural and land use regulations which are set forth in the Garden District pattern book, pages 7 through 19, which are incorporated herein by reference. Lot setbacks are shown on page 9 of the pattern book. Because of the specificity of the regulations for this district, early consultation with the Administrator is important even before plans are developed. Review of architectural plans will be a two-step process consisting of a concept review followed by a final review. Concept plans must include:

- a. dimensioned site plan at ¼ or 1/8 scale showing all driveways, walks, patios, and structures.
- b. a schematic landscape plan showing proposed plantings and drainage plans.

- c. floor plans at ¼ scale.
- d. elevations at ¼ scale which depict all exterior siding and trim materials.

Final Plans shall consist of construction drawings in a form to be submitted to the Town of Chautauqua for Building Permit approval.

Permitted Uses: Single Family Homes, Accessory Structures, Apartment Buildings on Official Map Lots 1320, 1333, and 1338-1342, and Institution Gardens.

#### Gateway District

Purpose: This district encompasses an area owned by the Institution and presently used for automobile parking. Future development of this property may include residential of mixed types and intensities. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Automobile Parking Lot owned and operated by the Chautauqua Institution, Parks and Green Open Spaces, Rental Rooms, Apartment Buildings, Hotels, Institution schools, program facilities, and craft centers, Public Safety Buildings (2/04).

Special Exception Uses: Restaurants, Retail Stores

#### Highlands District

Purpose: This district encompasses an area formerly outside of the traditional Assembly Grounds which was purchased by the Chautauqua Institution to expand the residential component of the Institution's program offerings. Development of the area is established in a manner stipulated by the Town of Chautauqua under the parameters of a Planned Unit Development Special Use Permit, the particulars of which are included throughout these regulations.

The District has been designed to be of moderate density with green open spaces situated to compliment the development pattern. Limited to one, one and a half, or two story residences, the homes are required to be non-repetitive in nature and of a vernacular traditional contemporary style. Clapboard-sided or shingle-style dwellings are preferred although high quality vinyl siding is permitted with other materials used for accents only. Flat roof, A-frame, Tudor, Colonial or other dated traditional or ultra-modern styles are not permitted. All residences should blend with one another except for Lot 1901 which shall remain unchanged in exterior design. Exterior colors should blend with the surrounding environment and not contrast with it, thus earth-tone colors are deemed most appropriate.

Site development is required to be undertaken in a manner which enhances natural open spaces and minimizes straight house planes. Garages must not be overly apparent from the front street plane. Side entry garages are strongly preferred. Garage doors should be screened with architectural details or plantings, or otherwise integrated into the structure so as not to dominate the streetscape.

Permitted Uses: Single Family Dwellings, Parks and Green Open Spaces

Northlake District

Purpose: this district is located to protect and preserve a variety of historic cottages and homes which substantially contribute to the visual charm and beauty of Chautauqua. The district also contains several rooming houses and some apartments. Because of the prominent lakefront location of some of the structures within this district, the regulation of architectural styles and the intensity of permitted use is a special purpose of this regulation. The alteration of exterior facades within this district is restricted by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Apartment Buildings, Rental Rooms, Parks and Green Open Spaces

Overlook District

Purpose: This district contains a variety of predominantly contemporary and post-World War II homes and cottages. The low density residential character of this district is sought to be preserved by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Rental Rooms, Parks and Green Open Spaces

Packard District

Purpose: This district contains a variety of predominately contemporary and post-World War II homes and cottages. The low density residential character of this district is sought to be preserved by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Parks and Green Open Spaces

Special Exception Uses: Apartment Buildings, Rental Rooms, Chautauqua Institution program facilities

Plaza District

Purpose: This district is located to protect and preserve a variety of residential uses of mixed intensity. Most of the buildings within the district are of early construction and have historic interest. The preservation of the varied architectural styles within the district, most of which contain front porches, is a special purpose sought to be achieved by the regulation. Accordingly, the alteration of exterior facades of buildings within the

district is restricted by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Apartment Buildings, Rental Rooms, Hotels, Parks and Green Open Spaces

Special Exception Uses: Professional Offices, Restaurants and Retail stores, other than grocery stores along Pratt between Ramble and Vincent, Restaurants

#### Schools District

Purpose: This district contains various Institution owned and operated schools and studios, as well as dormitories and recreational facilities. Within the district are broad green open spaces which visually enhance the district and which this regulation seeks to preserve and maintain. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Institution schools, studios, and dormitories, music practice houses, Parks and Green Open Spaces, Recreational Facilities including tennis courts.

#### Southlake District

Purpose: This district is located to protect and preserve a variety of historic cottages and homes which substantially contribute to the visual charm and beauty of Chautauqua. The district also contains several rooming houses and some apartment buildings. Because of the prominent lake front location of some of the structures within this district, the regulation of architectural styles and the intensity of permitted use is a special purpose of this regulation. The alteration of exterior facades within this district is restricted by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Apartment Buildings, Rental Rooms, Parks and Green Open Spaces

#### Terrace District

Purpose: This district is located to protect and preserve the variety of architectural styles and mixtures of uses which historically have existed within the district and which substantially contribute to the visual charm and beauty of Chautauqua. The preservation of buildings with historic interest and the maintenance of the variety of architectural styles found within the district is a special purpose sought to be achieved. The alteration of the exterior facades of all buildings within this district is restricted by the provisions of the regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Hotels, Rental Rooms, Apartment Buildings, Single Family Dwellings, Parks and Green Open Spaces

Special Exception Uses: Professional Offices, Restaurants and Retail Stores other than grocery stores along Roberts between Vincent and Bowman, except at the corner of Bowman.

#### Tower Park District

Purpose: This district is located to protect, preserve and maintain the open green spaces found within the district as well as one of the most historic areas of single-family dwellings within the Chautauqua Institution. The district contains historic and architecturally significant buildings, some of which have been included on historic registers. The alteration of the exterior facades of this district is restricted by the provisions of this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Single Family Dwellings, Rental Rooms, Parks and Open Green Spaces.

Special Exception Uses: Apartment Buildings

#### University Hill District

Purpose: This district is intended to protect, preserve, and maintain the open green spaces which contribute to the visual beauty of the Arts and Crafts Quadrangle found within this district. The preservation of the broad open vistas is an important element intended to be preserved by this regulation. Automobile parking areas should be screened from the view of streets to the extent possible.

Permitted Uses: Institution schools, program facilities, and crafts centers, Parks and Green Open Spaces

#### Woodlands District

Purpose: The District has been designed to be of low density with primary emphasis on complimenting the wooded character of the area through careful site planning designed to shape the building forms around specimen trees and groves of smaller trees. Development outside the designated building envelope will be limited to access ways, drives, or pathways. Structures must be generally unobtrusive in form in order to blend with the environment. Homes in the District are limited to one or one and one-half habitable floors plus basement (e.g. a one story with additional habitable space in the roof structure) plus basement which may contain habitable space. Homes are required to be

non-repetitive in nature and of a vernacular traditional contemporary style. Flat roof, A-frame, Tudor, Colonial, Victorian, or other dated traditional or ultra-modern styles are not permitted. Exterior colors should blend with the surrounding environment and not contrast with it, thus earth-tone colors and the use of natural wood siding is required, with other colors and materials limited to accents. Stain finishes rather than painted surfaces are preferred. Color and siding samples must be submitted for approval.

Site development must be undertaken in a manner which enhances natural open spaces and minimizes straight house planes. Garages must not be overly apparent from the front street plane. Side entry garages are strongly preferred. Garage doors should be screened with architectural details or plantings, or otherwise integrated into the structure so as not to dominate the streetscape. Landscape planning shall emphasize the wooded and natural character of the area.

The eventual building form of every residence should be a carefully planned addition to the natural setting and should embrace its site. Building shapes should provide interest and be compatible with neighbors. Large homes can be made to appear smaller and small homes to appear larger by the manipulation of shapes and forms and by the effective use of decks, carports, garages, and porches. Each home must be custom designed, the use of “stock” plans is prohibited.

The roofscape of each home must compliment the design of the home, the natural surroundings, and neighboring designs. Roofing materials must be of high quality with, as in the case of fiberglass shingles, a minimum of 275 lbs per square having at least a 30 year warranty, and be of a “shake” or “architectural” style. A minimum roof pitch of 8/12 is required for the dominant roof structure with lesser pitches permitted on shed roofs, dormers, etc.

As designs may be rejected for purely aesthetic reasons, early consultation with the Administrator is important even before plans are developed. Review of architectural plans will be a two-step process consisting of a concept review followed by a final review. Concept plans must include:

a. a dimensioned site plan at ¼ or 1/8 scale showing all driveways, walks, patios, and structures. A calculation of the enclosed space and height shall be included as well as a calculation of the area of all drives, walks, and patios.

b. a schematic landscape plan showing proposed plantings, the location of all trees designated for retention, the location of all trees in excess of 4” in diameter proposed for removal, and site drainage plans.

c. floor plans at ¼ scale.

d. elevations at ¼ scale which depict all exterior siding and trim materials.

e. all structures shall be staked out on the lot.

Final Plans shall consist of construction drawings in a form to be submitted to the Town of Chautauqua for Building Permit approval.

Permitted Uses: Single Family Homes, Institution Parks

## SCHEDULE C

## Schedule of Building Design Requirements

The following design requirements shall apply to all additions and exterior alterations and repairs to existing buildings and structures and to the construction of new structures in all districts except as noted. The Design Requirements shall be interpreted and applied with reference to Styles of Historic Chautauqua Architecture, a graphic supplement to these regulations compiled in 1985, and the Garden District Pattern Book created in 2002, reference copies of which are available in the Operations Office. In addition, for rehabilitation projects, the Design Requirements shall be interpreted and applied with reference to the Secretary of the Interior's Standards for Rehabilitation (attached). The building design requirements are applicable to exterior features subject to public view from adjacent streets or walkways and have been grouped into the following categories of design review which will constitute the criteria by which the appropriateness of all construction will be determined:

### 1. Site Planning

Any new construction shall follow a pattern of site utilization similar to that already established adjacent to it. In particular, consideration must be given to the setback of buildings from the street, the width of their facades and the spaces between them, especially because these factors contribute to the rhythm and continuity of the buildings as seen together. Where buildings are predominately aligned along the street creating a unified edge or wall space, the front of a new building must compliment this street façade.

### 2. Bulk, Proportion, and Scale

- a. Height: On a street of generally aligned facades, it is required that any new construction be in scale with the existing buildings on the street.
- b. Façade Proportion: The proportions of the façade and façade elements of a new building along a street must be compatible with the proportions of the existing buildings.
- c. Scale: Any new construction shall be of a scale and rhythm compatible with that of adjacent buildings.
- d. Massing: The massing of a new building should employ the traditional form predominately found within the district. The massing should be in harmony with the form and orientation of existing buildings along the street. Directional emphasis should be harmonious with neighboring structures.

The integrity of the front of older buildings should be maintained. Consequently, on older structures, adding bays or other massing interruptions to its plane should be avoided. Any addition to an older building should be extended from the rear or side wall and kept as inconspicuous as possible. Such additions should harmonize with the massing, style and details of the original building. Further, their bulk should not overwhelm the original building site.

### 3. Roofs:

Roof designs shall harmonize with the rhythm of roofs along the street. Where an area shows a preference for a certain roof type, shape and pitch, new roofs should be guided by the character already established. Roofs on additions to existing buildings should be appropriate to the period and style of the original structure. The roof pitch and detailing of an addition should be compatible with the main roof.

a. Skylights: Skylights should have a flat configuration parallel and as close to the roof planes as is possible. Skylights cannot be placed on the front roof plane or on other roof planes that is not compatible with the existing character of the neighborhood.

b. Chimneys: Any new chimney should be of a design appropriate to the period of the building, especially in its placement, design, size, scale, and detailing.

c. Roof Coverings: Roof coverings shall be Type 1/A fire resistive, flat roofs excluded, on all new structures and when new roofing is put on existing structures.

### 4. Windows:

Any new or replacement windows shall be appropriate to the period and style of the building. On a new addition to an old building, only windows that have characteristics similar to the historic window types in terms of materials, size, proportion, scale, frame type, and trim should be used. They should be arranged to compliment the building's design.

Twentieth-century window types, such as sliding glass doors, picture windows, bay windows, flex-vents, horizontal tilt-out windows, removable interior muntins, etc. must be used with discretion as they can be incompatible with older structures.

The fenestration of a new building should satisfy the functional requirements of the building while harmonizing with the scale, proportion and rhythm of the fenestration of the neighborhood. Care should be taken with the amount of glass used in a wall of a new building. While it is recognized that the windows in new buildings do not have the technical or heating constraints of the past, and that they must meet contemporary functional requirements, new buildings should retain a ratio of glass area to wall surface compatible with the neighborhood.

### 5. Doors:

Because of its importance on a building's façade, doorways should be compatible with the style and period of the building.

## 6. Porches:

The front porch is a conspicuous feature of many of Chautauqua's buildings and is one of the most important elements contributing to the visual charm of Chautauqua buildings.

## 7. Decks and exterior stairs:

All decks and exterior stairs must exhibit an attention to detail that is in keeping with the house design and contributes to the townscape. They should be designed and constructed of materials compatible with the building to which they are attached and should be refined visually. They should be designed and constructed of materials compatible with the building to which they are attached and should be refined visually. The placement and size of a deck on a building is an important consideration. They should be kept to the rear of the building where they will be most inconspicuous and detract the least from its architectural context.

On new buildings, the deck must be in keeping with the overall building design.

Firestairs are similar to decks in many other aspects and must follow the intent of the deck guidelines and preserve as much as possible the integrity of historic buildings. Whenever possible firestairs should be designed and constructed within the structure they serve.

## 8. Surface Materials:

On all buildings, the wall surface material should be appropriate to the period and style of the building and compatible with the neighborhood. Fiber cement siding such as "hardiplank" is an acceptable substitute for visually similar historic materials.

## 9. Trim and Miscellaneous Detail:

On all structures and additions, only trim and ornamentation that is appropriate to the style and period of the house can be utilized. On new buildings, trim and detailing should be appropriate to the style and period of the building.

## 10. Exterior Soaking or Hot Tubs:

Because of noise and visual aesthetic issues, all such appliances must be installed unobtrusively along a side or rear elevation where feasible and practical. The unit itself shall not be visible from the street and the area surrounding the unit must be sight screened to keep its use screened from the neighborhood.

A locked safety cover shall be utilized when the unit is not in use and security screening shall be provided to restrict access to the unit at all times to the owner's authorized users.

Design of the unit's holding structure and sight screen must be architecturally compatible with the residence to which it is attached.

(Permitted only in Packard, Elm, Overlook, and Highlands Districts)

## 11. Air Conditioning and Air Handling Equipment

Air conditioners and air handling appliances can significantly impact the visual aesthetics and quiet enjoyment of any given location and its surrounding area. Therefore, care must be taken to design the siting of such equipment in order that it appropriately blends into the structure and is not an annoyance to neighbors.

No exterior air handling units for central systems shall be installed in existing structures unless screened from view from the street or unless they fit the existing style of the structure. Any sight screening that is installed must be effective for all twelve months of the year.

Exterior air handling units should not be so loud as to disturb the neighbors or interfere with the Institution's program operations and should be designed so that noise levels of greater than 55 db(a) do not impact neighboring properties. In situations where a neighbor objects to the sound levels of units after they are installed and operating, the Institution will perform a sound level measurement of the unit. Any mechanical noise which registers more than 55 db(a) at the complainant's property line will be considered a violation and the property owner will be required to take such remedial measures as are necessary to bring the units into compliance.

The installation of window style air conditioning units is not recommended when such units will be visible from the street (s). In cases where such installations are necessary, it is recommended that the installation be accomplished through the wall of the structure utilizing framing methods that decrease the visibility of the unit.

For projects involving rehabilitation/reconstruction and, for new structures, the use of traditional window style air conditioners is strongly discouraged. In such cases, the Institution may deny issuance of a Compliance Certificate if window units are proposed.

## 12. Awnings

Awnings can serve both decorative and functional accessory purposes for structures and are therefore permitted when installed in a manner and form appropriate to the structure's style. When installed, awnings become an integral component of the structure and, thus, must undergo the same review as would a structure. Temporary, wintertime only, carport awnings are permitted in regularly utilized parking locations within required open space areas when, in the opinion of the Institution, the existence of such carport awnings will not detract from the ambiance of the Institution.

## 13. Exterior Lighting

The design and location of all exterior lighting must be undertaken with care in order to safeguard the privacy of neighbors and not contribute to light pollution. Therefore, exterior lighting must be designed at the minimum intensity level necessary to service driveway, walkway, entrance, porch and deck activity and be directed in a fashion that does not adversely impact adjoining properties or the skyline.

#### 14. Private Home Residential Generators

Residential generators can significantly impact the visual aesthetics and quiet enjoyment of any given location and its surrounding area. Thus, no residential generators shall be installed unless screened from view from the street. Any sight screening that is installed must be effective for all twelve months of the year.

Generators must be constructed so that noise levels do not exceed 71.3 db(a) at a distance of 23 feet.

ADDENDUM B  
RULES AND REGULATIONS FOR BUILDING CONSTRUCTION  
AND CONTRACTOR LICENSING

Contractor Licensing

All contractors working on the grounds of Chautauqua Institution shall first obtain a revocable license from the Chautauqua Institution Operations Office. License applications shall be on a form prescribed by Chautauqua Institution and shall, at minimum, require proof of New York State Workers Compensation Insurance and liability insurance. Licenses may be revoked for repeated violations of the Rules and Regulations of Chautauqua Institution and must be renewed annually.

Rules for Building Construction

1. No construction shall be undertaken during the official summer season of Chautauqua Institution without written approval of Chautauqua Institution nor shall construction take place prior to 7:00am or after 7:00pm.
2. The owner and contractor will confine work only to the owner's property and shall not occupy or use land or other facilities outside of the site boundaries and within Institution grounds without the express written permission of the owner of such lands. The owner and contractor shall not store materials or encroach upon private property without the written consent of the owners of such property; and shall not store materials on streets, roads, or other property of the Institution without the written consent of the Institution. Gutters and drainage inlets shall be kept unobstructed at all times except for siltation barriers as approved by the Institution. The owner and contractor shall be responsible for the preservation and protection of property adjacent to the construction site, and the owner and contractor shall be liable for any movement, settlement, damage or injury to adjacent buildings, structures, water, sewer, or drainage systems, streets or sidewalks resulting from construction activities. Any such damage shall be promptly repaired. Access to adjoining properties shall be maintained.
3. No vehicles shall be parked or left unattended so that street vehicular traffic is interrupted. If streets must be closed for any reason, advance permission must be obtained from the Chautauqua Police Department and proper barricades erected so that detours are possible.
4. During the construction period, the owner and contractor shall at all times keep the site of the work and adjacent premises free from material, debris and rubbish and shall remove the aforementioned from any portion of the site at the end of each day's work. Streets shall be swept daily and maintained in a dust or mud-free condition.

5. Construction activity shall be undertaken in a manner so as to retain any disturbed earth on site unless such is trucked away. The property owner and contractor shall be responsible for developing and posting on site a Stormwater Management Plan that exhibits the measures that will be taken to manage storm water and runoff in a fashion that does not introduce sediment or other pollution into the Institution's storm sewers, lands or roadways or onto the lands of others. If the plan involves the direction of some or all runoff off the site, it is the responsibility of the property owner to obtain from any adjacent property owners any easements or necessary property interests concerning the flowage of water, including permission from the Institution for the flowage of water onto its lands and roadways. The existence of the Stormwater Management Plan does not create or affect any right to direct runoff onto adjacent property without that property owner's permission. The New York State Stormwater Management Design Manual and its ancillary publications shall serve as the primary resources for acceptable stormwater management practices. All Institution area drainage flows into Chautauqua Lake. Stormwater management must be implemented in a manner that precludes the creation of Chautauqua Lake water quality violations
6. Demolition activities shall be conducted in compliance with the Building Code of New York State, Section 33 as it may be amended from time to time.
7. When any construction involves the building of a new structure, adding onto an existing structure, or involves the change in height of any structure and requires the construction of a new or rebuilt foundation, an as-built location and benchmarked height survey of the foundation shall be submitted to Chautauqua Institution for review prior to continuing the construction activities.
8. The Institution shall have access to the project during the construction period to determine whether the Institution's rules and regulations and any conditions imposed by it in connection with the project are being followed.
9. No signs advertising or identifying a contractor shall be posted on the grounds of Chautauqua Institution.

# CHAUTAUQUA INSTITUTION DISTRICT MAP

## Basic Use

- Single Family, Apartments, Hotels, Rental Stores, Post Office, Library, Institution Facilities
- Parks and Docks
- Town Houses and Apartment Buildings
- Auto Parking
- Single Family
- Single Family, Apartments and Rental Rooms
- Principal Parks and Gardens
- Single Family, Apartments, Rental Rooms and Hotels
- Schools, Studios, Dormitories, Music Practice Houses and Recreational Facilities
- Schools and Craft Centers

## Zones

- Amphitheater
- Beach and Recreational
- Elm and Bryant
- Gateway
- Overlook, Packard, Tower Park, Highlands
- South Lake, North Lake, Central
- Not Defined
- Plaza and Terrace
- Schools
- University Hill

